

### REMARKS

Claims 1-11 are all the claims pending in the application.

#### **I. Formalities**

Applicant thanks the Examiner for indicating that the drawings filed February 2, 2009, have been accepted.

#### **II. Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant's own Admitted Prior Art (hereinafter AAPA) in view of Gai et al., (hereinafter Gai, US Patent 6,434,624 B1), and further in view of Raz et al., (hereinafter Raz, US Patent 6,529,515 B1). Applicant respectfully traverses the rejection.

Claim 1 recites, *inter alia*,

said module relates to at least an **impact of a degradation of at least one quality parameter** on the **quality of at least one of said data flows**

In the Office Action, the Examiner expressly concedes that Applicant's Admitted Prior Art and Gai fail to teach or suggest the above recited limitation of the claim. (Office Action, P. 4). To make up for this conceded deficiency, the Examiner cited the teachings the Raz. (Office Action, P. 4-5). However, Applicant respectfully submits that Raz fails to teach or suggest at least "degradation means for degrading at least one quality parameter of at least one of said data flows . . . , wherein said degradation means make use of a module associated with each session, for carrying out said degradation, . . . [and wherein] said module relates to at least an **impact of a degradation of at least one quality parameter** on the quality of at least one of said data flows."

The Examiner asserted that the active packets of Raz correspond to the claimed modules. However, Applicant respectfully submits that the active manager 20 of Raz does not use the

active packet to degrade quality parameters of data flows, nor do the active packets relate to an impact of a degradation of at least one quality parameter on the quality of at least one data flow. In particular, in the various sections of Raz cited by the Examiner, Raz discloses that the active manager 20 monitors the session resource usage and can decide to terminate or abort, by use of the active packets, the operation of a given session if the session consumes too much resources. (Raz, Col. 5, Lns. 10-17 and Col. 6, Lns. 41-47). Applicant respectfully submits that the termination of the session is not a degradation of the quality parameter of the session, nor does the use of active packets in the termination of a session teach or suggest modules relating to an impact of a degradation of at least one quality parameter on the quality of the data flow (session). As such, Applicant respectfully submits that Raz fail to teach or suggest at least this requirement of claim 1.

Accordingly, Applicant respectfully submits that claims 1-9 would not have been obvious under 35 U.S.C. § 103(a) over Applicant's Admitted Prior Art in view of Gai and further in view of Raz, because the references, alone or in combination, do not teach or suggest all of the features and limitations of the claims. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claim 1 and claims 2-9 at least by virtue of their dependency from claim 1.

Applicant further respectfully submits independent claims 10 and 11 are patentable over the cited combination for similar reasons. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 10 and 11.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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